REMARKS

Claims 1-6, 8, 9 and 11-15 are pending in the present application. Reexamination and reconsideration are respectfully requested.

The Examiner rejected claims 1-6, 8, 9, 11, 12 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Kikinis (US 5746602) in view of Gabai et al. (US 5752880). The Examiner rejected claims 13 and 14 under § 103 as being unpatentable over Kikinis in view of Hampton et al. (US 6149490).

The present invention, as set forth in claim 1, is directed to an electronic toy having a memory and a processor coupled to the memory. The toy can receive control information, including a program, which it can store in the memory. The stored information can be selectively read out from the memory based on the type of external stimulus detected by a sensor. Moreover, the toy's processor can generate an accumulative empirical value based on the sensor's detection, thereby allowing information in the memory to be read out based on the empirical value. In short, claim 1 recites a toy with a memory that can store a program from an outside source and further recites how the program can be read out.

The Examiner cites Col. 2, line 50 to Col. 4, line 54 of Kikinis as disclosing a program stored in the memory of the doll. Applicant respectfully disagrees. The focus of Kikinis is to provide an inexpensive, interactive doll. This is achieved by providing a doll that is essentially a peripheral of a PC computer. See Col. 9, lines 20-28. As a result, the doll does not have a memory for storing a program, but merely a limited storage capability for handling the instructions of the PC. Col. 8, lines 8-13. Fig. 2 illustrates the doll 12 without an internal memory, and Kikinis describes the doll as "relatively inexpensive for the capability it may exhibit, *void of very delicate, relatively expensive mass-storage devices such as hard disks and CD-ROM drives*, and yet capable of virtually unlimited interactivity with a person." Col. 5, lines 20-25 (emphasis added). Thus, Applicant respectfully submits that Kikinis does not disclose a program stored in the memory of the doll.

Nor does Kikinis disclose how the program is selected from the memory as recited in claim 1. Col. 5, line 17 to Col. 8, line 60 of Kikinis cited by the Examiner does not disclose selecting a program from the memory based on the type of external stimulus detected by a sensor, because Kikinis does not disclose a program in the doll's memory to be selected. Furthermore, Applicant has reviewed the cited section of Kikinis, and it does not provide any discussion of reading information from a toy's memory based on an empirical value or, for that matter, generating an empirical value. Applicant respectfully requests that the Examiner specifically point out where in Kikinis discloses the recitation relating to the generation and use of an empirical value.

Gabai is also directed to a computer/toy system, with wireless communication between the computer and the toy. As in the case with Kikinis, the toy of Gabai has a very limited storage capability. Col. 8, lines 49-62 discloses that the computer may request the toy to store data from an input device, such as a microphone or sensor. The computer at a later time instructs the toy to transmit the data. There is no disclosure that the toy has a memory that can store a program, from an outside source, to perform a predetermined operation.

Gabai also does not disclose selecting a program from the toy's memory in response to stimulus detected by a sensor, because the toy in Gabai does not, once again, disclose a program in the toy's memory to be selected. Applicant also respectfully requests that the Examiner cite where in Gabai it discloses the generation and use of empirical data, because the cited section Col. 7, line 38 to Col. 8, line 65 does not provide any such disclosure.

Finally, Hampton is directed to a toy having pre-stored program. It does not disclose receipt of a program for an outside source to be stored in the toy's memory.

Accordingly, Applicant respectfully submits that none of the pending are obvious in view of the combinations of Kikinis and Gabai and Kikinis and Hampton. All these references fail to disclose "wherein said control information received from outside said electronic toy and stored in said memory includes a program for causing said electronic toy to perform a predetermined operation, and wherein the program stored in said memory is selectively read out from said memory

in accordance with a type of external stimulus detected by said sensor, and wherein said processor is further adapted to generate an accumulative empirical value on the basis of the external stimulus detection signal generated by said sensor and read out control information from said memory in accordance with the empirical value" as recited in claim 1 and similarly recited in claim 13.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032029100.

Dated: July 22, 2004   Respectfully submitted,

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